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6/16/01  
Docket No. 2976-4032 C. Steffes

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

RECEIVED

In re Reissue of: U.S. Patent No. 5,767,115 : JUN 14 2001  
Applicants: Rosenblum et al. : TECH CENTER 1600/2900  
Serial No.: 09/594,996 : Group Art Unit: 1624  
Filed: June 15, 2000 : Examiner: Berch, M.  
Granted: June 16, 1998 :  
For: Hydroxy-Substituted Azetidinone :  
Compounds Useful As :  
Hypocholesterolemic Agents :

Commissioner for Patents  
Washington, D.C. 20231

**RESPONSE TO THE EX PARTE QUAYLE ACTION**

Dear Sir:

In response to the *Ex Parte Quayle* action dated March 14, 2001, applicants provide the following amendment and remarks. Applicants have previously filed a petition and fee for one month extension of time, thereby extending the period of response to June 14, 2001. Therefore this response is believed to be timely filed.

**IN THE CLAIMS**

Please amend the claim 10 as follows:

10. (amended) A compound comprising 1-(4-fluorophenyl)-3(R)-[3(S)-(4-fluorophenyl)-3-hydroxypropyl]-4(S)-4-(hydroxyphenyl)-2-azetidinone or a pharmaceutically acceptable salt thereof.

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